REMARKS/ARGUMENTS

The present Amendment is in response to the Final Office Action having a mailing date of July 13, 2004. Claims 1-38 are pending in the present Application. Consequently, claims 1-38 remain pending in the present Application.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,459,511 (Haneda). The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 5,963,916 (Kaplan). The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 6,324,545 (Morag).

In response to Applicant's argument, the Examiner stated that the "user interactively access[es] the user's disk utilizing the playback machine and communication unit 19 that enables changing the defaults in subsequent efforts in [a] separate communication from the initial settings of the default." The Examiner then cited col. 17, lines 43-67; col. 18, lines 32-67; col. 19, lines 1-6; Figures 18 and 23; col. 22, liens 49-56; column 23, liens 19-23; Figure 30; and col. 28, lines 5-45.

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by Haneda. Applicant respectfully traverses the Examiner's rejection.

Applicant respectfully disagrees with the Examiner's rejection. Claims 1, 7 and 38 and claims 20 and 26 recite methods and systems, respectively, for providing an album to a user. Claim 1 recites:

> 1. A method for providing a user with an album including a plurality of pages, the method comprising the steps of:
>
> (a) allowing a user to purchase at least a portion of the album, the portion of the album including a portion of the plurality of pages;
>
> (b) allowing the user to set a plurality of defaults for the plurality of pages, at least one default of plurality of defaults capable of being altered using information provided by the user;
>
> (c) receiving from the user the information, if any, and a plurality of images captured using a digital imaging device, wherein the information receiving step (c) further includes the step of:
>
> (c1) receiving a tag stored in the at least one image file for a first portion of the plurality of images, the tag for altering at least one default of the plurality of defaults for the first portion of the plurality of images;
>
> wherein the tag received in the image file in step (c1) is received in a separate communication from the user setting the plurality of defaults in step (b);
>
> (d) altering the at least one default if the user has provided the information;
>
> (e) providing the portion of the plurality of pages using the plurality of defaults; and
>
> (f) allowing the user access to the at least the portion of the album.

Claim 7 recites:

> 7. A method for providing a user with an album including a plurality of pages, the album being a printed photo album, the method comprising the steps of:
>
> (a) allowing a user to purchase at least a portion of the album, the portion of the album including a portion of the plurality of pages;
>
> (b) allowing the user to set a plurality of defaults for the plurality of pages, at least one default of the plurality of defaults capable of being altered using information provided by the user;
>
> (c) receiving from the user the information, if any, and a plurality of images captured using a digital imaging device, wherein a portion of the plurality of images include sound, wherein the information receiving step (c) further includes the step of:
>
> (c1) receiving a tag stored in the at least one image file for a first portion of the plurality of images, the tag for altering at least one default of the plurality of defaults for the first portion of the plurality of images, the tag received

in the image file in step (c1) is received in a separate communication from the user setting the plurality of defaults in step (b);

(d) altering the at least one default if the user has provided the information;

(e) providing the portion of the plurality of pages using the plurality of defaults, the portion of the plurality of pages providing step (e) further including the steps of

(e1) printing the portion of the plurality of pages; and

(e2) providing a mechanism for a user to hear the sound for the portion of the plurality of images wherein the mechanism includes a printed stripe playable by a scanning device and wherein the providing step (e1) further includes the step of:

(e1i) providing the scanning device to the user; and

(f) allowing the user access to the at least the portion of the album by providing the portion of the plurality of pages to the user.

Claim 20 recites:

20. A system for providing a user with an album including a plurality of pages, the system comprising:

at least one storage subsystem for storing an identity of a user who has purchased at least a portion of the album and a plurality of defaults for the plurality of pages, a portion of the plurality of defaults capable of being set by the user, at least one default of the plurality of defaults capable of being altered using information provided by the user; and

a server for receiving a plurality of images captured by a digital camera and provided by the user, the server also for receiving information provided by the user, if any, altering the at least one default if the user has provided the information, the server for providing the portion of the plurality of pages using the plurality of defaults;

wherein the information includes a tag stored in the at least one image file for a first portion of the plurality of images, the tag for altering the at least one default for the first portion of the plurality of images; and

wherein the server receives the tag stored in the at least one image file from the user in a communication separate from receiving the plurality of defaults.

Claim 26 recites:

26. A system for providing a user with an album including a plurality of pages, the album being a printed album, the system comprising:

at least one storage subsystem for storing an identity of a user who has purchased at least a portion of the album and a plurality of defaults for the plurality of pages, a portion of the plurality of defaults capable of being set by the user, at least one default of the plurality of plurality of defaults capable of being altered using information provided by the user;

a server for receiving a plurality of images captured by a digital camera and provided by the user, the server also for receiving information provided by the user, if any, altering the at least one default if the user has provided the information, the server for providing the portion of the plurality of pages using the plurality of defaults;

a printing means for printing the portion of the plurality of pages;

wherein the information altering the at least one default is received from the user in an image file a separate communication from the plurality of defaults being set;

wherein the a portion of the plurality of images include sound and the system further provides a mechanism for a user to hear the sound for the portion of the plurality of images; and

wherein the printing means further prints a stripe playable by a scanning device and wherein the scanning device is provided to the user.

Claim 38 recites:

38. A method for providing a user with an album including a plurality of pages, the method comprising the steps of:

(a)   allowing a user to purchase at least a portion of the album, the portion of the album including a portion of the plurality of pages;

(b)   allowing the user to set a plurality of defaults for the plurality of pages in a first session;

(c)   receiving from the user the information, if any, and a plurality of images captured using a digital imaging device, wherein the information is capable of altering at least one default of the plurality of defaults for a first portion of the plurality of images, the information and the plurality of images being received from the user in an image file in a second session separate from the first session in which the user is allowed to set the plurality of defaults;

(d)   altering the at least one default if the user has provided the information;

(e)   providing the portion of the plurality of pages using the plurality of defaults.

Thus, the methods and systems recited in claims 1, 7, 20, 26, and 38 allow the user to set defaults for the album and receive images and information, if any, from the user. Independent claims 1, 7, 20, 26, and 38 recite that information, stored in a tag in an image file for an image captured by a digital imaging device, can alter one or more of the defaults. This information in the tag stored in the image file(s) is provided in a communication that is separate from the setting of the defaults.

Haneda fails to teach or suggest changing defaults using information stored in tags within an image file and in a communication separate from that which sets the defaults. Applicant acknowledges that Haneda teaches changing items such as the number of prints. However, in order to do so, the user does not employ tags in the image file for the images captured using the digital imaging device. Instead, the user provides the information to the laboratory of Haneda using other mechanisms such as special photographic film, on paper, or a sales slip. Haneda, col. 18, lines 32-35; col. 23, lines 32-33. Thus, this information is not provided *by the user* in the form of tags in an image file. Once the laboratory has received this information, the laboratory stores the information on the user's disk. Haneda, col. 28, lines 18-21. Thus, the laboratory stores the information that can be used to alter defaults in the user's disk. Stated differently, although information that may be used to alter defaults is stored in the image file, the information is stored by the lab. Furthermore, Applicant respectfully submits that the information is stored in a hypertext region of the user's disk, rather than in tags in an image file. Haneda, col. 28, lines 5-45. Thus, the "tags" IX1, IX2 that are cited by the Examiner are not tags buy are, instead, portions of the film. Haneda, col. 23, lines 32-33 (describing the cited Fig. 24); col. 25, lines 48-52; and col. 28, lines 18-21. Consequently, although a user might utilize the user's disk to change defaults in subsequent communications, the user would use the hypertext region rather than tags stored in the image file. Thus, in either case, the user of Haneda does not provide the information in tags in an image file in order to alter previously set defaults. Consequently, Haneda fails to teach or suggest the methods and systems recited in claims 1, 7, 20, 26, and 38. Accordingly, Applicant respectfully submits that claims 1, 7, 20, 26, and 38 are allowable over the cited references.

As described previously, the teachings of Kaplan and Morag fail to alter this conclusion. Kaplan describes a system in which multimedia can be viewed and, if desired, purchased by a user.

Kaplan, col. 15, lines 40-67. The cited portion of Kaplan makes no mention of providing tags in image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Morag describes a system in which digital images and instructions are provided. Morag, col. 7, line 15-58. Although Morag functions for its intended purpose, Applicant has found no mention in the cited portion of Morag of providing tags in image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Consequently, even if the teachings of Kaplan and/or Morag were added to the teachings of Haneda, the combination would still have the defects of Haneda. In particular, the combination would still fail to teach or suggest using tags in an image file for an image captured using a digital imaging device for altering defaults for an album. Consequently, Haneda in view of Kaplan and/or Morag would still fail to teach or suggest the methods and systems recited in claims 1, 7, 20, 26, and 38. Accordingly, Applicant respectfully submits that claims 1, 7, 20, 26, and 38 are allowable over the cited references.

Claims 5-6 and 8-19 depend upon independent claim 1. Claims 24-25 and 27-37 depend upon independent claim 20. Consequently, the arguments herein apply with full force to claims 5-6, 8-19, 24-25 and 27-37. Accordingly, Applicant respectfully submits that claims 5-6, 8-19, 24-25 and 27-37 are allowable over the cited references.

The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Kaplan.

Applicant respectfully traverses the Examiner's rejection. Claims 2-3 and 21-22 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 2-3 and 21-22. Accordingly, Applicant respectfully submits that claims 2-3 and 21-22 are allowable over the cited references.

The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Morag.

Applicant respectfully traverses the Examiner's rejection. Claims 4 and 23 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 4 and 23. Accordingly, Applicant respectfully submits that claims 4 and 23 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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